

NOTICE OF FINAL RULEMAKING

TITLE 10. LAW

CHAPTER 4. ARIZONA CRIMINAL JUSTICE COMMISSION

ARTICLE 5. FULL-SERVICE FORENSIC CRIME LABORATORY ACCOUNT

PREAMBLE

1. **Sections Affected**

R10-4-501	New Section
R10-4-502	New Section
R10-4-503	New Section
R10-4-504	New Section
2. **The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

A.R.S. 41-2421(J)(5)
3. **The effective date of the rules:**

Upon filing with the Secretary of State's Office
4. **A list of all previous notices appearing in the Register addressing the final rule:**

Notice of Docket Opening, 6 A.A.R., 2732, July 21, 2000

Notice of Proposed Rulemaking, 6 A.A.R., 3460, September 8, 2000

Notice of Public Information, 6 A.A.R., 3856, October 6, 2000

Notice of Supplemental Proposed Rulemaking, 7 A.A.R., 642, February 12, 2001

5. **The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name: Gerald Hardt

Address: 3737 N. 7th Street, Suite 260
Phoenix, AZ 85014

Telephone Number: (602) 230-0252

Facsimile Number: (602) 728-0752

6. **An explanation of the rule, including the agency's reasons for initiating the rule:** The purpose of the Article is to establish the guidelines

to govern the Full-service Forensic Crime Laboratory Account. Without rules to govern the administration of the account, the account cannot be made available, awarded, or properly administered.

7. **A reference to any study that the agency relied on in its evaluation of a justification for the rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material:** None

8. **A showing of good cause why the rule is necessary to promote statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:** The promulgation of

this rule will not diminish a previous grant of authority of a political subdivision of this state.

9. **The summary of the economic, small business and consumer**

impact: There will not be any significant economic impact as a result of the implementation of the proposed rules. The benefits from the adoption of the rules, both quantitative and qualitative, far outweigh the potential costs.

Costs/Benefits to implementing agency: The Arizona Criminal Justice Commission will experience a slight increase in its supplies and services budget. The personnel budget will not be increased because management of the grant funds will be accomplished through use of existing staff. No significant increase in administrative overhead is anticipated because the policies of the Commission allow for an annual draw from the fund to pay the costs incurred administering the grant program.

Costs/benefits to other agencies directly affected by implementation:

Other state agencies will not be adversely affected by implementation of the rules governing awarding of grant funds. In fact, the Department of Public Safety will be adversely affected if rules governing the distribution of the Full-service Forensic Crime Laboratory Account are not completed in a timely manner. Because the Department of Public Safety is one of

only five agencies to operate a full-service forensic crime laboratory, it has a significant interest in applying for grant funding.

The State Treasury Department will not have a significant cost increase as a result of the proposed rules. The department already receives and administers the account into which these funds are deposited upon receipt from the courts. A slight cost increase could result from the issuance of the warrants necessary to transfer funds to the grantees.

Costs/benefits to political subdivisions: There are five law enforcement agencies that could benefit from the distribution of the grant funds. These agencies (Department of Public Safety, Phoenix Police Department, Mesa Police Department, Scottsdale Police Department, and Tucson Police Department) all have full-service forensic crime laboratories currently in operation. If awarded funding, they, and the communities they serve, will benefit from improved crime laboratory operations.

There are no significant costs associated with the distribution of grant funds to these agencies. All of the agencies have personnel already assigned to the administration of other grants they receive. The increased costs of administering an additional grant will be in the area of supplies for the completion of the required reports. No other increased costs are anticipated.

Costs/benefits to business: There are no anticipated costs or benefits to private industry. Due to the small number of full-service forensic crime laboratories, increased purchases of consumable laboratory supplies will not generate a significant increase in purchases from the agency-contracted vendors. Even the purchase of large dollar items (i.e.: specialized laboratory equipment) will not generate a significant increase in the revenues received from a purchase.

The only anticipated cost could be a reduction in outsourcing the processing of biological evidence by the Phoenix Police Department. However, the Department does not outsource all of its biological evidence processing. Biological evidence processing is only outsourced on an as needed basis. The Phoenix Police Department strives to complete all of its biological evidence testing in-house.

10. **A description of the changes between the proposed rules, including supplemental notices, and final rules:**

The rules have been modified to ensure the grant solicitation and award process is succinct and understandable for all potential applicants. New headings have been added that clearly delineate each Section's content. The Section dealing with the administrative costs to the Commission has

been removed and is addressed within the internal procedures of the Commission.

11. **A summary of the principal comments and the agency response to them:**

None

12. **Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**

None

13. **Incorporations by reference and their location in the rules:**

None

14. **Incorporations by reference and their location in the rules:**

None

15. **Full text of the rules follows:**

Title 10. Law

Chapter 4. Arizona Criminal Justice Commission

Article 5. Full-service Forensic Crime Laboratory Account

R10-4-501. Definitions

R10-4-502. Grant Solicitation Process

R10-4-503. Grant Application Review; Approval by the Commission

R10-4-504. Reports

Article 5. Full-service Forensic Crime Laboratory Account

R10-4-501. Definitions

In this Article:

1. "Account" means the Full-service Forensic Crime Laboratories Account established by A.R.S. § 41-2421(J)(5).
2. "Commission" means the Arizona Criminal Justice Commission established by A.R.S. § 41-2404.
3. "Full-service forensic crime laboratory" means a facility that:
 - a. Is operated by a criminal justice agency that is a political subdivision of the State;
 - b. Employs at least 1 full-time forensic scientist who holds a minimum of a bachelor's degree in a physical or natural science;
 - c. Is registered as an analytical laboratory with the Drug Enforcement Administration of the United States Department of Justice for possession of all scheduled, controlled substances; and
 - d. Provides, at a minimum, services in the areas of drugs, serology and DNA, and firearms and toolmarks.

R10-4-502. Grant Solicitation Process

The Commission shall annually publish and forward to all Arizona criminal justice agencies that operate a full-service forensic crime laboratory a grant solicitation for distribution of Account monies. The grant solicitation shall contain:

1. The Commission's goals for the grant program for the current allocation year,
2. Applicant eligibility criteria,
3. The format in which grant applications must be submitted,
4. The date by which grant applications must be submitted,
5. Grant application evaluation criteria,
6. Project expenses for which Account monies may be used,
7. The period in which all Account monies must be expended,
8. Account money reversion criteria and process, and
9. The award denial appeal process.

R10-4-503. Grant Application Review; Approval by the Commission

- A. The Commission shall review each application and make a decision to approve or disapprove an application within 120 days of the date by which grant applications are due.
- B. If the Commission determines additional information is needed to facilitate its review of an application, the Commission shall request from the applicant:
 1. Additional information, or
 2. Application modifications.

C. After review, the Commission shall vote to approve or disapprove an application in whole or in part, based on:

- a. The grant criteria published in the grant solicitation;
- b. The amount of funds available for the current allocation year; and
- c. Compliance with the application format.

R10-4-504. Reports

A. Within 20 days after the end of the first through third calendar quarters, a grantee shall submit a written report to the Commission containing:

1. The amount of Account money available for use at the beginning of the ending quarter,
2. An itemized accounting of the amount of money expended or encumbered during the quarter,
3. A projected date of expenditure of encumbered Account money, and
4. The unspent and unencumbered balance to begin the next quarter.

B. Within 60 days after the end of the fiscal year, a grantee shall submit a written report to the Commission containing all of the following information:

1. The beginning balance of the Account money for the fiscal year,
2. The total amount of Account money expended by the grantee during the fiscal year,
3. The total amount of the encumbrances remaining at the end of the fiscal year,

4. An itemized accounting of how the expended Account money (including outstanding encumbrances) is related to the stated project goals and objectives, and
5. A narrative assessment of the effective and efficient use of Account money to meet stated goals and objectives during the fiscal year.